



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 03 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Rhonda Kienbaum
Auto & Scrap Recyclers
3800 West Mill Road
Milwaukee, Wisconsin 53209

Re: Finding of Violation
Auto & Scrap Recyclers

Dear Ms. Kienbaum:

This is to advise you that the U. S. Environmental Protection Agency has determined that Auto & Scrap Recyclers' facility at 3800 West Mill Road, Milwaukee, Wisconsin (Auto & Scrap or facility) is in violation of the Clean Air Act (CAA). A list of the requirements violated is provided below. We are today issuing to you a Finding of Violation (FOV) for these violations.

In accordance with Section 608 of the CAA, 42 U.S.C. § 7671g, EPA promulgated regulations at 40 C.F.R. Part 82, Subpart F, applicable to recycling and emissions reductions of ozone-depleting substances. Persons who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance are required to:

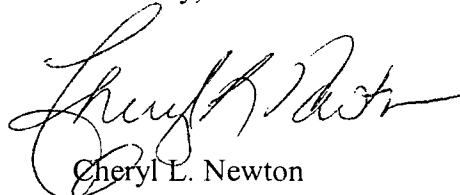
- 1) Recover any remaining refrigerant from the appliance, or
- 2) Verify, through signed statements, that the refrigerant has been evacuated from the appliance or shipment of appliances previously.
- 3) Maintain the signed statements on-site for a minimum of three years.

EPA finds that Auto & Scrap has violated the above-listed regulations from 40 C.F.R. Part 82, Subpart F.

We are offering you the opportunity to request a conference with us about the violations alleged in the FOV. A conference should be requested within 10 days following receipt of this notice and should be held within 30 days following receipt of this notice. This conference will provide you a chance to present information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

The EPA contact in this matter is Natalie Topinka. You may call her at (312) 886-3853 if you wish to request a conference. EPA hopes that this FOV will encourage Auto & Scrap's compliance with the requirements of the CAA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cheryl L. Newton".

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Daniel Schramm, Air Management Supervisor
Wisconsin Department of Natural Resources
Southeast Region

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Auto & Scrap Recyclers)	FINDING OF VIOLATION
Milwaukee, Wisconsin)	
)	
Proceedings Pursuant to)	EPA-5-09-WI-03
the Clean Air Act,)	
42 U.S.C. §§ 7401 et seq.)	
)	

FINDING OF VIOLATION

Auto & Scrap Recyclers (Auto & Scrap or you) owns and operates a scrap recycling facility at 3800 West Mill Road, Milwaukee, Wisconsin (the facility).

The U. S. Environmental Protection Agency is sending this Finding of Violation to you for failing to reduce emissions of ozone-depleting substances as required at 40 C.F.R. Part 82, Subpart F.

Explanation of Violations

1. Auto & Scrap, as the final disposer of appliances, is subject to a portion of the regulations for the Protection of Stratospheric Ozone located in 40 C.F.R. Part 82, Subpart F. The Subpart F regulations contain recycling and emissions reduction requirements for ozone depleting substances. The purpose of the regulations is to reduce emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances. 40 C.F.R. § 82.150(a). Among the practices required by the regulations is the requirement that recyclers who take the final step in the disposal process (including but not limited to scrap recyclers and landfill operators) of a small appliance, room air conditioning unit, Motor Vehicle Air Conditioner (MVAC), or MVAC-like appliance:
 - a. Recover any remaining refrigerant from the appliance in accordance with specific procedures described in 40 C.F.R. § 82.156, or
 - b. Verify that the refrigerant has been evacuated from the appliance or shipment of appliances previously. Such verifications must provide a signed statement from the person from whom the appliance or shipment of appliances is obtained, that

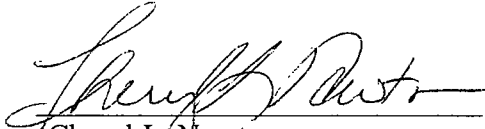
all refrigerant that had not leaked previously has been recovered from the appliances or shipment of appliances. This statement must include the name and address of the person who recovered the refrigerant and the date the refrigerant was recovered or a contract that refrigerant will be removed prior to delivery. 40 C.F.R. § 82.156(f).

- c. In addition, the signed statements obtained pursuant to 40 C.F.R. § 82.156(f)(2) must be maintained on-site by the entities that dispose of appliances for a minimum of three years. 40 C.F.R. §§ 82.166(i) and (m).
2. During EPA's July 16, 2008, inspection, and in response to the Section 114 request for information, EPA was informed that Auto & Scrap accepted for recycling during the past year at least once per day appliances that once contained refrigerant.
3. At the time of the inspection, EPA was informed that Auto & Scrap does not recover refrigerant from the appliances it accepts and does not require verification statements attesting that the refrigerant has been evacuated and recovered prior to delivery of the appliance(s) to Auto & Scrap.

Environmental Impact of Violations

Violations of the standards for ozone-depleting substances lead to an increase in the depletion of stratospheric ozone ("the ozone layer"). The ozone layer protects humans as well as many plants and animals by filtering harmful ultraviolet radiation from the sun.

12/3/08
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING


I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-09-WI-03 by Certified Mail, Return Receipt Requested, to:

Rhonda Kienbaum
Auto & Scrap Recyclers
3800 West Mill Road
Milwaukee, Wisconsin 53209

on the 4th day of December, 2008.

I also certify that I sent a copy of the Finding of Violation by first class mail to:

Daniel Schramm, Air Management Supervisor
Wisconsin Department of Natural Resources
Southeast Region
2300 North Dr Martin Luther King JR Dr
Milwaukee, Wisconsin 53212


Betty Williams, Secretary
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000601873804



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
AIR AND RADIATION DIVISION
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DATE:

12/2/08

SUBJECT: Recommendation to Issue a Finding of Violation to
Auto & Scrap Recyclers in Milwaukee, Wisconsin

FROM: George T. Czerniak, Chief
Air Enforcement and Compliance Assurance Branch

TO: Cheryl L. Newton, Director
Air and Radiation Division

I recommend that you issue a Finding of Violation (FOV) to Auto & Scrap Recyclers (Auto & Scrap), in Milwaukee, Wisconsin for violating regulations established in accordance with Section 608 of the Clean Air Act, 42 U.S.C. § 7671g.

Specifically, Auto & Scrap has violated final disposal requirements for appliances containing ozone-depleting substances. An inspection of Auto & Scrap and a follow-up Section 114 Information Request indicated that Auto & Scrap accepted at least one appliance per day but did not: 1) recover refrigerant remaining in the appliances accepted, nor 2) verify, through verification statements or contracts, that the appliances no longer contained any refrigerant, as required by 40 C.F.R. Part 82, Subpart F.

Failure of Auto & Scrap to comply with requirements established in accordance with 40 C.F.R. Part 82, Subpart F are violations of 40 C.F.R. Part 82 and Section 608 of the Clean Air Act. We discovered these violations as a result of a partial compliance evaluation of the facility which involved an inspection and issuance of a Section 114 Information Request.